# Emergency Procedures Manual

M 3014
Revised
October 2002

Washington State
Department of Transportation

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# Introduction

## Purpose

The purpose of this manual is to establish emergency operating procedures for Washington State Department of Transportation (WSDOT) employees to respond to, and recover from, emergencies/disasters that effect the operations of the department.

### *Supersession*

This supersedes IL 4010.00 issued April 20, 1998.

### *RCW, WAC, and Directives*

#### RCWs

RCW 47.28.030 — "Contracts-State Forces-Monetary Limits-Prequalification Rules"

RCW 47.28.035 — "Cost of Project, defined"

RCW 41.06.380 — "Purchasing services by contract not prohibited-Limitations"

RCW 47.28.050 — "Call for Bids"

RCW 47.28.70 — "Form of Bid-Data Required-Requirements-Refusal to Furnish Form-Appeal"

RCW 47.28.170 — "Emergency Protection and Restoration of Highways"

RCW 60.28.011 — "Retained Percentage"

#### Local Permits

**Floodplain Development Permits**

RCW 86.16 — "Floodplain Management Act"

**Shoreline Management Permits**

RCW 90.58 — "Shoreline Management Act of 1971"

WAC 173-26 — "State Master Program Approval/Amendment Procedures"

**Critical Area Ordinances (CAO)**

RCW 36.70A.172 — "Growth Management Act — Critical Areas — Designation and Protection — Best Available Science to be Used"

#### State Permits

Department of Ecology — Short Term Modifications to Water Quality Standards under RCW 90.48 are no longer issued. You must meet WQ standards.

Department of Ecology — Section 401 Water Quality Certification under 33 USC 1341

Federal Clean Water Act Section 401

RCW 90.48 — "Water Pollution Control"

WAC 173-225 — "Federal Water Pollution Control Act — Establishment of Implementation Procedures of Application for Certification"

Department of Ecology — Coastal Zone Management Certification

U.S. Coastal Zone Management Act, 16 U.S.C. 1451, et seq., and 15 CFR, Parts 923-930

Department of Ecology — NPDES Construction Site

National Pollutant Discharge Elimination System (NPDES) Permit

RCW 90.48 — "Water Pollution Control"

WAC 173-224 — "Wastewater Discharge Permit Fees"

WAC 173-226 — "Waste Discharge General Permit Program"

Department of Ecology — NPDES Municipal Stormwater (SW) Discharge State Waste Discharge Permit

RCW 90.48 — "Water Pollution Control"

RCW 90.52 — "Pollution Disclosure Act of 1971"

RCW 90.54 — "Water Resources Act of 1971"

WAC 173-216 — "State Waste Discharge Permit Program"

Department of Fish and Wildlife — Hydraulic Project Approval (HPA)

RCW 75.20 — "Construction Projects in State Waters"

WAC 220-110 — "Hydraulic Code Rules"

### Federal Permits

US Army Corps of Engineers — Section 10 of the Rivers and Harbors Act of 1899 under 33 USC 403. Work or structures in or over navigable waters of the US will require a Section 10 permit from the Corps of Engineers.

US Army Corps of Engineers — Section 404 Permit of the Clean Water Act under 33 USC 1344. The discharge of dredged or fill material into water of the US, including wetlands requires a Section 404 permit from the Corps of Engineers. This requirement covers the placement of material excavated or dredged from waters of the US, mechanized landclearing, and the discharge of any material used for the primary purpose of replacing an aquatic areas with dry land or of changing the bottom elevation of the waterbody.

Endangered Species Act (ESA) — Section 7 and 9 of the Endangered Species Act of 1973, as amended.

## WACs

WAC 173-14 — "Permits for Developments on Shorelines of the State"

WAC 197-11 — "State Environmental Policy Act (SEPA) Rules"

## Directives/Instructional Letters/Manuals

IL 07-45 — "Emergency Declarations"

IL 27-02 — "Region Ad and Award . . . Construction Projects"

D 27-60 — "Federally Funded Highway Construction Project Closure Process"

M 72-80 — "Purchasing Manual"

M 13-82 — "Accounting Manual," Section 10-2.7 and 10.4(4)

*1:P65:DP/EPM*

## Introduction

When an emergency occurs the region needs to determine if the emergency requires an "Emergency Declaration."

An "Emergency Declaration" is required whenever it is necessary to utilize emergency contracting procedures" for work related to transportation facilities and to increase the limit for State Force repair work from $50,000 to $80,000.

If the event is large enough that federal "Emergency Relief" funding will be pursued the Region needs to contact FHWA in Olympia so that a Detailed Damage Assessment Form (DDIR) can be prepared.

The following is applicable to all divisions of the Department of Transportation.

### *Declaration of Emergency*

The Declaration of Emergency authority is hereby delegated from the Secretary of Transportation to the Regional Administrators and the Directors of Aviation and Ferries for all work directly or indirectly related to transportation facilities. This also includes all work affecting property owned or used by their headquarters organization.

The Declaration of Emergency authority can be further delegated to the Maintenance Superintendent and/or Project Engineer by the Regional Administrator or a designee of the Directors of Aviation and Ferries, when the preliminary repair estimate to provide the work does not exceed $80,000 including sales tax, this also applies to property owned or used by a headquarters organization.

The Regional Administrators and/or the Directors for Aviation and Ferries are required to inform the Secretary of Transportation of all declared emergency projects. The Secretary of Transportation or designee is responsible for reporting all projects over $200,000 to the Commission at the next regularly scheduled meeting or as soon as practical.

Each declared emergency will be recorded on DOT Form 540-021 EF (see Appendix 1). The form is to be signed by the declarer and sent to Headquarters Emergency Management by the next working day. For each declared emergency, a project title will be given and work order(s) will be established. The same project title should be utilized wherever possible throughout all subsequent work phases and communications concerning the emergency.

## *Procedures*

| *Action By* | *Action* |
|---|---|
| Maintenance Superintendent and/or Project Engineer, and Designee(s) for the Directors for Aviation and Ferries | 1. Prepare declaration of emergency using DOT Form 540-021 EF, emergency work under $80,000 and related to transportation facilities.<br>2. Send form to Headquarters Emergency Management Office by the next working day. |
| Regional Administrator and Directors for Aviation and Ferries | 1. Prepare declaration of emergency using DOT Form 540-021 EF, emergency work over $80,000 and related to transportation facilities.<br>2. Send form to Headquarters Emergency Management Office by the next working day. |

***Note***: Headquarters Emergency Management Office will make distribution of the Emergency Declaration Form to the Transportation Commission Administration, Secretary of Transportation, Headquarters Communications and Public Involvement Office, Assistant Secretary for Administration and Support, Director of Highways and Local Programs Division, Headquarters Program Management, Headquarters Records Control, Headquarters State Maintenance Engineer, and to State Emergency Management (Military Department).

*2:P65:DP/EPM*

## Ordinary Maintenance

There are two types of Maintenance work activities classified as "ordinary maintenance" — Normal Maintenance and Emergency Maintenance.

Accordingly, if the work is considered to be "ordinary maintenance" state forces may accomplish the work without being subject to the dollar limitations outlined in RCW 47.28.030 and 47.28.035. "Ordinary maintenance" is also exempt from the competitive bidding process.

### *Definition of the Two Types of Maintenance Activities*

1. **Normal Maintenance** — Budgeted work, performed routinely on a scheduled basis. It is intended to maintain the highway facility/element so that it substantially retains its original intended use and function.

   **Examples include:**

   Sweeping and debris removal
   Clean ditches, culverts, and catch basins
   Correcting moderate slides and slope failures
   Vegetation management and litter pickup
   Moderate bridge maintenance
   Rest Area operation and maintenance
   Maintaining access control
   Drainage restoration
   Placing riprap
   Snow and ice control
   Traffic control
   Pavement patching, crack sealing, and moderate surface treatment
   Bridge maintenance such as debris removal, scour
   Restoration/replacement of traffic control devices

2. **Emergency Maintenance** — Work activities are the same or similar to normal maintenance activities except that they are greater in magnitude and scope depending upon the nature and intensity of the emergency. This work is not budgeted and/or scheduled and is done on a routine basis. This includes work accomplished on a damaged highway facility/element that has substantially retained the intended functionality of its original design. It does not include construction of new roadway elements.

   **Examples include:**

   Erection, dismantling, and maintenance of a Bailey bridge

   Establishment of detours and temporary minor structures

   Emergency traffic control

   Any work needed to protect and maintain the area affected by the emergency, pending the letting of a contract under RCW 47.28.170.

## *Funding*

1. **Normal maintenance** is not eligible for federal reimbursement because it is routinely scheduled or budgeted to historical levels. This work is funded out of the state-funded M2 maintenance budget. Normal work orders, charge numbers, and coding are used to track accomplishments and costs.
2. **Emergency maintenance** work may be eligible for federal reimbursement when properly approved by FHWA if the work at a defined site exceeds the threshold amount, currently $5,000. This work is initially funded out of the maintenance budget and later reimbursed with federal funds. Disaster Maintenance (DM) work orders are established to ensure the department properly accounts for and documents expenditures.

   As a footnote, there are other federal agencies which provide emergency funding, including the Federal Emergency Management Agency (FEMA) and the Corps of Engineers (COE). Each agency has different eligibility requirements. These are not discussed in this document.

## *Limitations on Contracting Out Maintenance Work*

The department may contract out ordinary maintenance work instead of using state forces if:

- Such work was regularly done by a valid contract prior to April 23, 1979; and,
- The contract does not have the effect of terminating classified employees or eliminating classified employee positions existing at the time of the execution or renewal of the contract (see RCW 41.06.380).

If the proposed work activity has been **traditionally** or **historically** performed by state maintenance forces, it would be considered "ordinary maintenance." Conversely, if the proposed work has been considered by the department as an "alteration, repair, or improvement" activity, as those terms are defined below, the proposed work is not considered "ordinary maintenance" and is subject to RCW 47.28.030.

If there is any question as to whether the activity can be considered "ordinary maintenance," a good faith decision should be reached based upon the facts of each particular situation, keeping in mind the purpose of RCW 47.28.030. Support for this decision needs to be documented at the time it is made and submitted on the Work Order.

## *Emergency Projects in the Highway Construction Program*

The project magnitude and scope should be reviewed to determine if the work is in maintenance (can be done with state forces or requires a contract) or it should be in the Highway Construction Program.

If upon reviewing the magnitude and scope of the work, Maintenance believes this project should be in the Highway Construction Program, they should immediately begin discussions with the Regional Program Manager giving that person all the available information they have about the project and why they feel the project should by in the construction program.

The Regional Program Manager will immediately contact the Headquarters Program Management Engineer or his office for concurrence that the project is construction program work and to establish a work order.

Headquarters Program Management, with help from Regional Program Management, will obtain approval and programming of the unprogrammed project and approval of the Work Order.

If the proposed work activity is not considered ordinary maintenance as defined above, the work may be accomplished by state forces only to the extent permitted in RCW 47.28.030 and RCW 47.28.035. This rule applies whether the work involves an emergency or not.

This work typically requires the use of preliminary engineering services and personnel and contract plans, specifications and estimates. When the work is not programmed, it follows the department's screening board unprogrammed project process.

## *Definition of Construction Type Activities*

1. **Alteration** — Work that results in a substantial change in the form or nature of an existing highway facility/element without destroying its identity.

   **Examples include:**

   Realignment of the roadway

   Widening the roadway

   Raising the grade

   Replace span wire with mast arms

2. **Repair** — Work required to restore the intended functionality of a highway facility/element when damage results in a substantial loss of the intended design functionality.

   **Examples include:**

   Major slide (may require soils analysis and walls)

   Repair of large culverts

   Replacement of major sections of riprap

   Roadway paving

   Replacement of bridges, bridge approaches, or bridge piers

   Work needed to repair a section of washed out road that is not passable

3. **Improvements** — Work that results in the enhanced, expanded, or improved functionality of a highway facility/element over that of the original design. This work includes new roadway elements and improves the original function and design.

   **Examples include:**

   Culvert replacement to improve drainage

   Constructing all weather highway

   Constructing left turn lane or climbing lane

   Hydraulic enhancements

   Correction of unstable slopes through the use of horizontal drains, new wall, or other methods

## *Funding for Construction Work*

Emergency work considered to be "alteration, repair, or improvement" when properly approved, is eligible for federal reimbursement, either from normal highway construction funds or Emergency Relief funds. Work is initially funded out of the highway construction program with state funds and later reimbursed with federal funds. Appropriate work order numbers are established to ensure the department can properly account for and document expenditures (see Section V. Maintenance Work Order Process).

## *Limitations on State Force Forces Accomplishing Construction Work*

If the work involves "alteration, repair, or improvement" as defined above, the statutory requirements set forth in RCW 47.28.030 and RCW 47.28.035 apply as follows:

- The work may be done by state forces when the **estimated** cost of the work is **less** than $50,000.
- When delay of the work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces as long as the **estimated** cost of the work is **less** than $80,000.
- If the estimated cost of a project is **more** than the $50,000/80,000 limitations, state forces **may** still be used to perform work up to those limits. The cost of the remaining project work over the $50,000/$80,000 limits would have to be contracted out by competitive bidding.

RCW 47.28.035 sets out two rules that must be followed in estimating the cost of using state forces.

- First, the costs must include the aggregate of all amounts to be paid for **labor**, **material**, and **equipment** (see below).
- Second, the aggregate costs are those costs that will be incurred on **one continuous** or **interrelated project** where work is to be performed **simultaneously.**

> ***Note***: To better understand this second requirement, one must go beyond the actual statute language and the difficulty of defining the key term "project," and focus on the objective of the statute. Its purpose is to ensure that a project is not artificially divided into smaller projects for the sole purpose of using state forces instead of contracting out the work.

The estimate must be reasonable based on the best information known at the time it was made. To support the reasonableness of the estimate, written documentation on how it was ascertained is necessary (RCW 47.28.030). The purpose of the dollar limitation is to ensure that the majority of non-maintenance emergency work is done by outside contractors. Therefore, the estimate should be reasonable in view of the facts that are known at the time and consistent with the purpose of the limitation. Any questions on what should be included in the estimate should be directed to the department so that the estimates are consistent.

The following examples are provided to help understand how the estimate should be made:

**To be included:**

1. **Labor costs** would be included when state personnel are being used on the project to do the following:
   a. Operate equipment.
   b. Place material.
   c. Any activity done on site that would have been done by the contractor's labor force if the work had been contracted out.
2. **Material costs** that would be included are:
   a. Material obtained from a WSDOT stockpile.
   b. Material purchased, hauled, and placed by state forces.
3. **Equipment costs** to be included are:
   a. Use of state-owned equipment.
   b. Cost of rental equipment if the equipment is being operated by a state employee.

**Not to be included:**

1. In estimating labor costs, the following are not to be included:
   a. Preliminary engineering costs (PE).
   b. Construction engineering costs (CE).

2. **Material costs** that are not to be included are:
    a. Material purchased from a contractor and contractor delivered to the site for the particular project. (If placed by state forces, the labor costs would be included, but not the material costs.)
    b. Materials delivered to the site by the contractor and placed by the contractor's labor force. (Neither the labor costs or material costs are included because the work is being done by the contractor.)
    c. Consumable items not incorporated in the project (e.g., traffic control devices, signs, etc.).
3. If the rental equipment is not being operated by a state employee, the cost of the rental is not to be included.
4. Overhead costs are not to be included.

*3:P65:DP/EPM*

In order to meet the intent of RCW 47.28.030 and RCW 47.28.035, a project is defined as one continuous or interrelated project where work is to be performed simultaneously.

RCW 47.28.035 indirectly defines a project as the aggregate of all amounts to be paid for labor, materials, and equipment on one continuous or interrelated project where work is to be performed simultaneously.

## Definition of Continuous and Interrelated

With the statute's objective in mind, one must remember that a project consists of a series of activities or events that must be accomplished to produce an intended result. The project is generally "continuous" in nature (both length and depth) until each required activity is completed to produce the desired outcome. Also, each activity cannot alone create the final result. They must be "interrelated" with other activities to establish the final goal and objective. The activities are part of the overall project and logically could not be considered as separate and independent projects. The statute simply says that the individual activities or units of work will not be considered as separate projects for the purpose of using state forces to do work.

### *Definition of Simultaneously*

The statute also refers to work being performed "simultaneously." This term must be interpreted in view of what actually happens on a project. It's obvious not all of the activities can be done at the exact same time. However, they must be accomplished before the entire project is completed. For example, if the road is washed out, the end result is to replace the road. To accomplish this, the activities would include replacement of fill, riprap, crushed surfacing, paving, striping and guardrail. The work activities are not being phased because of future funding or other reasons; but simply continuing on until the work is completed and the new road is in place. As long as the activities are being carried in a logical sequence to produce the end result, the work is being done "simultaneously" for purposes of the statute.

### *Other Considerations*

If several activities, each of which could be considered separate projects under RCW 47.28.035, have been combined for accounting and/or contracting convenience, the reason for the combination should be documented. This prevents an appearance that the dollar limitations have been exceeded.

In defining what a project is for purposes of estimating the cost of state forces, the following should be kept in mind:

1. The purpose of the statute is to preclude the department from dividing a proposed project into units of work or classes of work in order to avoid the dollar limitations set forth in RCW 47.28.030. If the project is being divided into artificially smaller elements, the statute is being violated.

2. There should be a reasonable basis for determining what a project is when estimating costs. Is it logical to group these activities into separate projects instead of one? Has the department done it before and what were the reasons for doing it that way? Does it make common sense? These questions need to be answered before we decide, in good faith, to divide the work into more than one project.
3. The definition of a project for purposes of RCW 47.28.030 and RCW 47.28.035 should be uniformly applied by the department.

The following examples explain how a project is determined for purposes of complying with RCW 47.28.030 and RCW 47.28.035. The examples are of situations where the work would be considered as a single project as well as examples where the department in good faith could consider the work as independent projects.

**Example 1:** Assume two major slides occur causing extensive damage to the roadway. The damaged areas are separated on the roadway by only a few feet. Technically, the work to clear and repair the two areas is not continuous because of the separation. However, since the distance is so minimal, the work in both areas would be considered as one continuous project. Also, RCW 47.28.035 refers to ". . . one continuous or interrelated project." In the example, all of the work is interrelated because both areas would have to be repaired before that section of roadway could be used by the traveling public. Thus, for purposes of the statute, the work activities at both locations would be treated as one single project.

**Example 2:** Two major slides occur on the same highway but are located several miles apart. Unlike, Example 1, the distance between the slides is substantial so work at the two locations would not be considered as one continuous project. Also, the repair work at location one can be completed to open that section of the roadway independent of the repair work at location two. Thus, the work at the two sites is not interrelated. As a consequence, the work at the slide areas would be considered two separate projects.

**Example 3:** A slide covers one mile of road. In order to restore the road for traffic use, the following work activities must be done: (1) removal of debris; (2) replacement of fill material; (3) repair of the shoulders; (4) repaving; and (5) placement of new guardrail. Each of these activities are interrelated in order to put the road back into service. The work is also being done in a logical sequence so it is being performed "simultaneously." Therefore, the sum total of the work would be considered as one project instead of five separate jobs for purposes of estimating the cost of using state forces.

**Example 4:** Three slides occur on the same highway. Two are located ten feet apart and the third one is located five miles to the north. The only work activities involved to open the roadway in all three locations is to remove the debris and clean the ditches. The issue of what is considered a project for purposes of RCW 47.28.035 only applies where the activity involves either "construction, repair, alteration, or improvement work. Unlike examples, 1, 2, and 3, the work activities in this example would be considered emergency

maintenance work. Therefore, state forces can be used to do all of the work regardless of costs and regardless of whether the three work areas are classified as one or more projects.

**Example 5:** A storm does damage to a bridge structure and two culverts in the same area. Work is done immediately to repair the culverts. However, because of lack of funding or other legitimate reasons, a decision is made to delay repair work to the bridge. Since the repair work on the culverts can be accomplished without repairing the bridge, the two activities are not interrelated. Also, the bridge work will occur at a later date so the work is not continuous. Therefore, the repair of the culverts and the subsequent bridge repair work can be treated as two separate projects.

**Example 6:** Work is done to correct unstable slopes in multiple locations. Each site can be corrected independent of the improvement work at the other sites. Also, the work is not continuous because of the separate locations. Therefore, the improvement work at each location would be considered a separate project.

**Example 7:** One rest area is damaged. The repairs include removal of debris, replacing sections of the sidewalk, and repaving. The work is continuous because all of the repairs are being made at one location. These activities are also interrelated because the repairs must be done in order to put the rest stop in the condition it was prior to the damage. The individual repair activities cannot be considered as separate projects but must be treated as one project for purposes of estimating the cost of using state forces.

*4:P65:DP/EPM*

## General

When an emergency/disaster occurs a method for capturing expenditures for the work both within the region as well as for federal emergency (ER) work is needed. The Work Order Authorization (WOA) is the method used to capture these expenditures. A separate WOA is normally set-up for each individual disaster site and has a unique identifying number. For a Disaster Maintenance (DM) WOA this number has a "DM" prefix.

The WOA is also used for budgeting purposes and in obligating federal funds; thus it is important that the WO is as current as possible and accurately reflects current and future expenditure needs.

Approval of the DM work order and assigning the "DM number" has been delegated to the regions. The specifics of this new process are listed below.

Disaster Maintenance (DM) work orders are initially set up with state funds since early on it is not known whether they will be eligible for federal participation or not. In many cases, part or all of the emergency work may be done prior to knowing if the project will receive federal participation. Once the magnitude of the disaster and the funding requirements are known and before Headquarters Accounting Services can bill FHWA for reimbursement, it may be necessary for Headquarters Maintenance to obtain a federal appropriation from the Office of Financial Management (OFM).

As a general rule (except for specific nonparticipating items), emergency work and/or incidental permanent work within 180 days of the disaster is eligible for 100 percent federal participation. Permanent work and emergency work after 180 days is eligible for federal participation at a federal pro-rata share for the route the work is on, in most cases 86.5 percent.

When requesting information from Headquarters on the status of a WOA, reference the work order number and the federal aid number if known.

In setting up DM work orders, region management and field personnel will also consider:

1. The need to prepare Detailed Damage Inspection Reports (DDIR) for FHWA review/approval that clearly define scope of work, type of work, location, and estimated costs of the emergency and/or permanent work.
2. The need to manage the DM setups and be accountable for the costs incurred under the DM setup.
3. That the region be able to ascertain, through inspection, that the work performed was accomplished in accordance with the scope and/or approved change orders to the DDIR.
4. The estimated cost associated with a work order setup. Because of the complexity of some emergency work it may be necessary to have some work orders for an estimated amount greater than the $50,000/$80,000 limit.

## *Procedures for Setting Up DM WOA*

The current process is as follows:

| *Action By* | *Action* |
|---|---|
| Region Maintenance Analyst or Designee | Assign DM Work Order Number and log required data. |
| | Prepare Work Order Authorization (WOA), get required signatures and FAX to Headquarters Accounting Services — Project Support Service Section (PSS) prior to noon of the first working day after the number is assigned. |
| Headquarters Accounting Office, Project Support Services Section | Set up the work order in TRAINS. |
| | Send a copy of approved work order to Headquarters Maintenance. |
| | Send a copy of approved work order to Headquarters Program Management. |
| Headquarters Program Management | Send the project to FHWA for obligation/ authorization (Form 120-006). |
| | Send a copy of the approved form to Region Program Management and the Maintenance Analyst. |
| Region | Ensure that charges are made to the appropriate group depending on the eligibility of the charges and the time frame in which they were incurred. |
| Headquarters Accounting Office, Project Support Services Section | Upon notification that federal funds have been approved, set up the federal funds on federal eligible groups per the federal agreement. |
| | Transfer the eligible expenditures which have accumulated from the state appropriation to the federal appropriation. |
| | Forward a copy of the journal voucher transferring the expenditures to the Region Accounting Office. |

In order to minimize confusion, the following groups will be reserved for state force work:

Group 01 — Emergency and Incidental Permanent Work within 180 days

Group 02 — Emergency and Incidental Permanent Work after 180 days

Group 03 — Permanent Work

Group 04 — Non-Participating Work

It is **essential** that the group title be used with each group so that the appropriate expenditures can be moved if federal participation is received.

At the time of the initial DM set up, PSS will set up only the groups which have been requested by the region.

The groups on DM Work Orders are not limited to Group Category 04. As long as all other requirements have been met, other group categories may be used. For example, it is permissible to set up groups which are in Group Category 01 (Work Done Contract) or Group Category 02 (Work Done agreement). Other groups can be added later (by E-Mail) as long as the authorized dollars are not being increased.

Payments for Emergency and Incidental Permanent Work done after 180 days **must** be charged to the appropriate group. The key is when the work is done or goods received, not when the bill was paid. (If work was actually done **within** the 180 days it remains in Group 01 even though the bills may be paid AFTER the 180 day limit.) The 180 days is measured from the declared **first day** of the emergency, which may be prior to the date that the damage occurred.

## *Assignment of DM Work Order Numbers*

Each region will assign their own DM Work Order numbers. The first two characters of the work order number will be DM (Disaster Maintenance) to indicate the type of work order. The third character of the work order will be used to define the region (DMAxxx for the Northwest Region, DMBxxx for the North Central Region, DMCxxx for the Olympic Region, DMDxxx for the Southwest Region, DMExxx for the South Central Region, DMGxxx for the Eastern Region). The next three characters are numeric and will be assigned sequentially by the region. The block of DM numbers will **not** be further subdivided.

In order to expedite work order set up, minimize confusion, and ensure that regions, Headquarters Maintenance, Headquarters Program Management, and Headquarters Accounting each has the information they need, the following rules will be observed.

1. Responsibility for assigning DM numbers will be assigned to an individual.
2. The individual (or designee) responsible for assigning DM numbers will be available to assign numbers whenever they are needed.
3. The individual responsible for assigning DM numbers will prepare the Work Order Authorizations for the DM Work Orders, acquire required signatures, and fax them to Headquarters Accounting Services, PSS Section prior to noon of the first working day following the assignment of the number.
4. DM numbers will not be reserved for potential work but only set up for actual projects.
5. Each region will maintain a log of DM numbers which carries the data elements that they require plus any other elements which may have been requested by Headquarters Maintenance, Program Management, and Accounting.

## *Work Order Authorization Form*

A sample Work Order Authorization (WOA) form, 120-021 EF is included in Appendix. This form is available in electronic format. For consistency and to speed processing of work orders within Headquarters, we are requesting that all regions submit work order authorizations on this version of the form. It is not required that each region use the electronic format, only that the work order have the same information in the same format as the sample provided.

When preparing a WOA request, whether it is for a new setup or an adjustment to an existing setup, complete, accurate information must be provided.

It is important for federal emergency work that the region monitor the work order closely and at the end of the 180 time limit, when appropriate, switch from the Group for Emergency Work and/or incidental Permanent Work within 180 days to the Group for Emergency Work after 180 days.

## *Review by Region Prior to Submitting WOA*

To aid processing within Headquarters, to reduce processing time and to minimize the number of errors, the regions need to completely and accurately fill in the areas identified on the sample WOA.

Prior to submitting an increase for a work order authorization to Headquarters an effort should be made to check TRAINS to ensure that all GROUP CATEGORIES will have sufficient authorization after the WOA is processed.

If a group is going to be set up on the work order which references a payable agreement, the agreement needs to be complete, through the Headquarters review process and ready for set up in TRAINS prior to submittal of the work order authorization to Headquarters Accounting. If the agreement is not completed prior to the WOA being submitted for approval, the group set up will be delayed until the reviewed agreement is received in Headquarters Accounting.

Work order authorization for a federal Aid Emergency Relief (ER) project containing **Permanent Work** must have the environmental documentation complete, the Right of Way certified and the design completed prior to receiving federal approval (this includes state force construction). When submitting a WOA for construction please include, along with the request, a copy of the estimate, design approval date (if applicable), the RW certification and the NEPA dates indicating the environmental classification of the project, (NEPA, CE, EA, EIS, etc.). Failure to have any of these items complete prior to submitting the funding request FHWA will result in delays of the funding approval and may delay the start of the project.

## *When to Submit a Work Order Authorization Increase*

The Work Order Manager should periodically check the status of the work order. If TRAINS shows a WO is overrun, or it will soon overrun, and work is ongoing, a WO increase should be prepared and submitted to Headquarters. The increase should provide adequate funds to cover the overrun and estimated future

expenditures. The estimate should be reasonable and should be based on the best information available at the time. Significant increases/decreases to existing work orders need to be submitted prior to overrunning the WO whenever possible.

When reducing existing work orders prior to closure, consideration must be given to estimating expenditures that will occur prior to the work order actually closing. Submitting a request to reduce a work order to actual expenditures when the groups are still open will almost always result in the work order overrunning or the actual expenditures changing prior to the work order being processed through Headquarters.

## *Examples of Emergency Maintenance Work Orders*

Parameters for this type of work activity are flexible to the extent that they are required to meet only one criteria, i.e., the cost of the activity described under the DM work order setup must be at least $5,000 to meet FHWA eligibility requirements.

Parameters for a DM work order will be that they may be identified by Maintenance Section, Sign Route (in its entirety) or specific locations, so long as the type of activity being performed is functionally related or continuous in nature. Given these parameters, the following examples can be used by field personnel in reviewing and setting up Emergency Maintenance DM work orders:

**Example 1:** High winds caused extensive damage to trees and signs along an entire maintenance area/sign route; in this case one DM work order may be used for the entire section. A similar example would be damage to signals in several locations where the work would be accomplished by the region-wide signal crew.

**Example 2:** Bridge scouring and related erosion occurred at MP 79-Mill Cr. Br., MP 89-Twin Canyon Br., MP 108-Rainey Cr. Br., MP 116-Silver Cr. Br., and MP 123-Cora Br. In this example there are three options. Bridge scouring and related erosion may be considered one project since the work is similar in nature and repairs will be accomplished by one organization — the regions' Bridge Crew — and can all be placed on one work order. The second option is for the region to establish an individual work order for each location. This is desirable if there is a need to track the individual bridge repair costs. Or third, separate groups can be set up for each bridge on one work order.

In instances where repair activities on a single sign route are diverse in nature and/or widely separated in terms of miles of roadway field personnel may set up individual work orders (or they could be set up on one WO with a separate group for each type of work) for example:

**Example 3:** SR 12, MP 71 to 75 slide clean up, ditch cleaning, culvert cleaning, and traffic control might be one work order.

**Example 4:** SR 12, MP 143 to 148, roadway settlements in several locations may be a separate work order for the emergency/incidental permanent work performed by maintenance state forces.

**Example 5:** SR 12, MP 154.5, loss of roadway. A DM work order would be set up to cover only the traffic control and emergency incidental/permanent work, with any permanent work to be handled either through the emergency bidding authority or as an unprogrammed project under the Preservation Program under a separate work order.

**Example 6:** SR 12, MP 143 to 148 has emergency/incidental permanent work. Within that section at MP 145 to 146 there is a section of lost roadway that will require permanent work by contract using the unprogrammed project process. When setting up work orders, one work order is set up for the emergency/ incidental work for the whole section while another would be set up to capture the permanent work for that part of the section.

*5:P65:DP/EPM*

# Emergency/Incidental Permanent/ Permanent Work

## Introduction

Emergency work is that work done during or immediately following a disaster to restore essential traffic, to minimize the extent of the damage, or to protect the remaining facilities.

Emergency Relief work (including emergency work, incidental permanent work, and permanent work) at a site is eligible for ER funds if the damage was caused by the event and the cost of the work exceeds $5,000/site. Since debris removal costs may be widespread rather than site-specific, FHWA will determine if the costs exceed heavy maintenance.

The Detailed Damage Inspection Report (DDIR), WSDOT Form 300-001EF, Appendix 3, and its approval is used to document the scope and eligibility of the work. Normally the Region Maintenance Analyst is responsible for preparing the DDIR along with FHWA. The DDIR must be prepared (normally by the region) and reviewed for eligibility by FHWA within 90 days after the ER event is approved by the FHWA Administrator. The DDIR divides the work on the project into three categories "Emergency, Incidental Permanent, and Permanent" work. The following is a further definition of these three categories.

### *Emergency Work*

The intent of temporary operations, including emergency work, is to restore essential traffic which cannot wait for a finding of eligibility and programming of a project. Emergency work should be accomplished in a manner which will reduce additional work required for permanent work. The department will need to coordinate with resource agencies for permit requirements.

Emergency work may be eligible for 100 percent federal aid as long as the work is within the first 180 days after the emergency begins. The 180 days is calculated from the first date of the incident as determined with FHWA. The 180-day ending date will be shown on the FHWA Form 120-006.

The use of Emergency Relief (ER) funds for emergency work on roadways will normally be limited to the amount necessary to bring the washed-out fills and slip-outs back to grade with a gravel surface. In most cases the emergency work will not construct the roadway to a true line and grade but rather follow the terrain and be constructed in the easiest and fastest manner. Work on the roadway, nevertheless, should be adequate so that traffic can travel over it safely at a speed reasonable for the site conditions. Where routes handle heavy traffic, an appropriate type of bituminous surface as a emergency work will be eligible for short sections of roadway.

### *Incidental Permanent Work*

FHWA's concurrence in the need for repair does not in itself authorize the agency to proceed with permanent restoration work on damaged roadways. However, there may be situations in which immediate completion of the permanent restoration portion of the work is the most economical and feasible way to quickly restore

essential traffic. In these situations the permanent restoration work is considered to be incidental permanent restoration work and can be performed with the emergency work, provided it is properly documented in the DDIR. If such work has been accomplished prior to the site damage review, retroactive approval may be given when circumstances warrant.

## *Documentation of this Determination is Essential*

**Example 1:** An example would be a bridge and approaches being washed out, construction of a detour being both costly and time consuming, and the agency having precast concrete girders readily available that could be used at the site. In such a case, immediate construction of the permanent structure and approaches could be accomplished at the discretion of the agency and FHWA would consider the work to be incidental permanent restoration and would be documented and reimbursed in the same way as the emergency work.

**Example 2:** The placement of the final surfacing is normally considered to be permanent work. But, it may be considered incidental permanent restoration work in some cases. Such paving must have FHWA concurrence, on the DDIR or subsequent to the DDIR, to be eligible for federal participation. FHWA will consider traffic characteristics, remoteness of the site, traffic control requirements and socioeconomic factors before approval.

## *Permanent Work*

Permanent repairs are those repairs undertaken, normally after emergency work has been completed, to restore the highway to pre-disaster conditions. Permanent repairs require a separate FHWA Form 120-006 **before** starting construction or going to ad if the work is contracted out. Any work performed prior to approval and authorization of the 120-006 **is not** eligible for federal reimbursement. (This is in addition to the 120-006 form required for the emergency or incidental permanent work.)

A work order authorization for **"Permanent Work"** needs to be submitted to Headquarters at least **three weeks** ahead of the planned start date to allow adequate time for processing in Headquarters (Program Management and Accounting) and with FHWA.

Permanent restoration is funded at the normal match rate for the route ***r*egardless of when the work is done**. Permanent restoration shall be administered using normal federal-aid procedures that include written authorization, NEPA clearance, design approval, permits, right of way certification, PS&E, advertisement period, etc. Permanent restoration work must begin within two years after the event.

Permanent restoration may involve one or more of the following categories of work:

1. *Restoration-in-Kind.* The ER program provides for repair and restoration of highway facilities to predisaster conditions. Restoration-in-kind is the expected predominant type of repair to be accomplished with ER funds. Any additional features or changes in character from that of the predisaster facility are considered to be betterments and are generally not eligible for ER funding unless they can be justified because of construction, economy, prevention of future recurring damage, or technical feasibility.

2. *Replacement Facilities.* Where a facility has been damaged to the extent that restoration to its predisaster condition is not technically or economically feasible, a replacement facility is appropriate. Replacement facilities should be constructed to current design standards. ER participation in a replacement roadway will be limited to the costs of current design standards of comparable capacity (i.e., number of lanes), and character (i.e., surfacing type, access control, rural/urban section). Replacement of a bridge will be the cost of a new bridge to current design standards for the type and volume of traffic it will carry during its design life.

   ER participation may be prorated at the costs of a comparable facility when the proposed replacement project exceeds the capacity and character of the destroyed facility.

3. *Betterments.* A betterment is defined as any additional feature, upgrading or change in capacity, or character of the facility from its predisaster condition. Betterments are generally not eligible for ER funding unless justified on the basis of economy, suitability and engineering feasibility, and reasonable assurance of preventing future similar damage. Betterments should be obvious and quickly justified without extensive public hearing, environmental, historical, right-of-way or other encumbrances. The justification must weigh the costs of the betterment against the probability of future recurring eligible damage and repair costs.

   Upgrading that results from construction of replacement facilities to current standards as defined above is not considered a betterment requiring further justification. However, with respect to roadways, increases in capacity or a change in character of the facility would be considered betterments and are not justified for ER participation.

   Betterments which have been approved in the past with proper justification include:

   - Installation of riprap
   - Installation of hydraulic enhancements
   - Relocation
   - Increased waterway opening
   - Slope/bank stabilization
   - Slide stabilization
   - Dike construction
   - Raise grade of roadway

   Betterments resulting from environmental or permit requirements beyond the control of the agency are eligible for ER funds, if these betterments are normally required when the agency makes repairs of a similar nature in its own work.

   Minor relocations and alignment shifts are frequently advisable and are generally eligible for ER participation. However, any design changes made to avoid damage which could be expected to occur infrequently is questionable. Added features of appropriate protection, such as slope stabilization, slope protection, and slide prevention measures wherever practicable, must have

proper support. Slide stabilization work has been declared ineligible in problem areas where slides recur regularly. The cost of monitoring slide stabilization measures after completion of the initial stabilization is not eligible. ER participation in the initial construction does not create a continuing ER responsibility for future additional work.

Betterments which are eligible for reimbursement will be addressed, agreed to and documented on the DDIR or approved separately by WSDOT and FHWA in response to a local agency request justifying the proposed betterment.

4. *Replacement-in-Kind.* Where extensive damage has occurred, ER funds may be used for replacement-in-kind as the proper solution but with current standard safety features. Where relocation is necessary, each case is considered carefully to determine what part of the relocation is justified for construction with ER funds.

5. *Wayside Areas.* Wayside areas include rest areas and truck weighing stations. Access and parking facilities at a wayside area can be cleared and protected as part of an ER project. Local agency and WSDOT maintenance facilities are not included.

6. *Replacement of Culverts.* Upgrading culverts to current standards must be specifically related to eligible disaster damage repair. Damaged culverts are eligible for repair in kind. Destroyed culverts are eligible for replacement to current standards. Area-wide upgrading of deficient culverts on an area or route basis is not eligible.

7. *Deficient Bridges.* This includes bridges unsafe in structural condition only and does not consider waterway opening, functional obsolescence or serviceability. A structurally deficient bridge which was not under construction or scheduled for replacement with other federal funds may be eligible. ER funds do not replace other federal funds nor will they fund permanent repairs if the bridge is scheduled for replacement. The following represent two common situations:

   a. Bridge is damaged and is repairable. ER funds may participate in:

      (1) Reasonable emergency work to restore travel.

      (2) Repair of disaster damage to restore a bridge to a structurally safe condition.

      (3) Repair of disaster damage if other funds are used to simultaneously correct the structural deficiencies (ER funds cannot be used to correct structural deficiencies).

   b. Bridge is destroyed or repair is not feasible. ER funds may participate in:

      (1) Reasonable emergency work to restore traffic.

      (2) New comparable replacement structure to current standards if bridge was not scheduled for replacement.

8. *Bridge Betterments.* Two common bridge betterment situations are:

   a. Bridge is destroyed. A new comparable replacement structure would be eligible. Betterments are generally not a consideration except:

(1) Extensive relocation of a replacement bridge is an ineligible betterment and ER participation will normally be limited to the cost of the structure and a reasonable approach length.

(2) Replacement of a current non navigable structure or movable bridge with a high level navigable structure is beyond the intent of a comparable facility and is an ineligible betterment.

b. Bridge is seriously damaged, but repair is feasible. Repair-in-kind is eligible for ER funds.

Added protection features such as riprap, spur dikes or additional channel work if justified as a betterment would be eligible (i.e., there is reasonable assurance that similar future damage would be prevented and the cost of the betterment does not unreasonably exceed anticipated future ER costs).

9. *Control Features.* Stream channels outside the agency's right-of-way are generally not eligible. Work involved in channel changes, hydraulic enhancements, riprap, bank protection, clearance of debris and wreckage from the channels and stream beds, and other associated permanent work is not eligible. However, if the agency can establish it has jurisdiction and responsibility for the maintenance and proper operation of this section of the stream the work may be eligible. Normally, projects associated with channel work (riprap, bank protection, etc.) that require right-of-way purchases and/or easements outside the right-of-way are not eligible. The fact the agency responsible for channel maintenance does not have funds to finance the repair and protection work, is not an acceptable reason for ER fund assistance. In situations involving requests for participation in erosion control and bank protection outside the agency right-of-way, the following items must be verified by the agency to obtain eligibility:

   - The work is directly related to protection of the highway facility.
   - The work is not eligible for funds from another agency.
   - No other agency has the responsibility for such work.
   - The applicant agrees to accept the future maintenance of all work performed.

   When work of this type is proposed, the project documents should include a letter from the local agency covering all four of the above features including acceptance of the responsibility for maintenance. Other supporting data should include copies of correspondence with the Corps of Engineers or other appropriate agency to verify that no other eligibility or responsibility exists.

   - Increased bridge width or other geometric improvements and correction of non disaster-related structural or surfacing improvements such as deteriorated pilings or decks are not eligible.

10. *Protective Work.* When permanent and emergency work cost considerably less than proposed protective measures such as riprap, eligibility of protective measures is questionable. For example, if repairs consisting of replacement-in-kind cost only $5,500 and the estimated cost to provide sufficient protection to

prevent damage under similar unusual conditions is $9,000, participation beyond that necessary for replacement-in-kind would not be economically justified.

11. *"Convenient" Damage*. To eliminate a recurring annual maintenance problem based on the occurrence of a disaster is questionable. For instance, the department proposes to replace a damaged triple box culvert and roadway fill with a bridge. This is a betterment to alleviate an annual maintenance problem which was accelerated by a disaster. ER participation in the construction cost of a bridge is limited to the amount necessary to restore the triple box culvert.

12. *Rock and Mud Slides*. The removal of rock and mud slides is eligible unless determined to be a pre-existing condition. Such a slide, unless justified on their own as a catastrophic failure, must be associated with the overall natural disaster and must have occurred during the event period as determined by FHWA and/or FEMA.

    When an old slide has been activated during a natural disaster, its correction to provide a safe roadway is eligible. Should the agency propose to relocate a road instead of correcting the old slide, the cost of the relocation to predisaster capacity and character may be eligible if justified as a betterment.

    Slide stabilization is also a betterment. ER participation must be based on detailed analysis of the slide and reasonable assurance of preventing similar future damage, showing stabilization costs do not unreasonably exceed anticipated ER costs. Such analysis must include road relocation, do-nothing alternatives and consideration of previous testing recommendations for the area.

13. *Plugged Culverts*. Cleaning out plugged culverts is an eligible activity as long as it is considered beyond heavy maintenance and is associated with other eligible damage. Replacement of plugged culverts should be considered eligible only when justified as a betterment or when cleaning is not cost effective.

## *Additional Examples of Emergency/Incidental Permanent/Permanent Work*

**Example 1**

a. The fill section of a road failed, leaving a two-lane road impassable. WSDOT Maintenance Crew blocked traffic and proceeded to bring in fill material. Once the material was in place, the crew opened the road to traffic on gravel. At this point essential traffic had been restored, therefore the emergency work was complete. Paving the surface was accomplished a month later due to other reasons. Therefore, the paving and striping is considered permanent work. The emergency work would be eligible for 100 percent ER and the permanent work would be eligible for the standard pro-rata share for that highway.

b. Same example, except, the paving is immediately accomplished. Since the crew had most of the equipment already at the site while doing the fill work, it was decided that it would be more cost effective to complete the project while doing the emergency work. Because it was more cost effective to complete along with the emergency work, this permanent restoration would then be considered incidental permanent and funded at 100 percent level by FHWA. In this example the emergency work and incidental permanent restoration would both qualify for 100 percent ER funds.

**Example 2**

a. A bridge washed out making the highway impassable. A temporary bridge was constructed until the main bridge was replaced. The temporary structure restores essential traffic and is therefore eligible for 100 percent ER funding. The replacement of the bridge would be permanent restoration eligible for the standard pro-rata share for that highway.

b. Same example, except due to the location, no temporary detour can be constructed, therefore, the bridge replacement becomes incidental permanent replacement and if accomplished with 180 days is eligible for 100 percent ER funding because it is required to restore essential traffic.

c. Same example, a detour is constructed, the old bridge is removed, and a year later a new bridge is constructed and detour is removed. The detour construction would be emergency work at 100 percent ER funding, since it serves to restore essential traffic and prevent damage to the remaining facility. The removal of the old bridge, construction of the new bridge, and the detour removal would be permanent restoration eligible for reimbursement at the prorata share.

**Example 3**

a. A large slide covered the highway making it impassable and due to the threat of continued activity, the department made the decision for safety reasons not to allow any work on the slide. The department constructed a detour around the slide. This detour is emergency work required to restore essential traffic and is eligible for 100 percent ER funding. The removal of the slide material is considered permanent restoration and is eligible for the standard pro-rata share for that highway.

b. Same example, except the department has determined that the slide material is too expensive to remove and due to the size of the slide would not be a safe work environment, therefore, the decision was made to make the detour alignment a permanent structure. Since the detour is required to restore essential traffic, it would be considered emergency work/incidental permanent restoration and would be eligible for 100 percent ER funding, if completed within the first 180 days.

**Example 4**

a. A section of roadway sinks. Maintenance fills up the hole, and opens the road to traffic. A short time later roadway sinks again, requiring the same fix. The roadway sinks a third time a little later requiring the same fix. Finally, the roadway stabilizes. Because all of the work described was required to restore essential traffic and preserve the existing roadway, all of the work would be 100 percent federal funding emergency work, if completed within the first 180 days.

*6:P65:DP/EPM*

## Purpose and Scope

To provide guidance in contracting out emergency work in accordance with the applicable statutory laws and in the administration of the resulting contract.

### *Rules*

**If an outside contractor is to perform work during a declared emergency, the rules set forth below apply regardless of whether the work is considered a maintenance activity, construction activity, or a combination of both.**

1. Regardless of the estimated dollar amount of the contract, the contractor must be prequalified. If the estimate is $50,000 or less, D-27 60 may be used to expedite the qualification process.

2. If the work involves the emergency protection and restoration of highways, RCW 47.28.170 allows alternative contracting methods regardless of the size of the contract. The department may solicit written bids (at least three bids) for the work without publishing a call for bids and then award the contract to the lowest responsible bidder.

   The department may also contract without bids for emergency work under the same statute for a period not to exceed 30 working days. The price of the work would be negotiated but could not exceed the cost of doing the work by force account. The 30-day time frame cannot be extended. However, at the end of the 30-day period, the department may have the remaining emergency work done by obtaining at least three written bids and awarding the contract work to the lowest responsible bidder.

3. If the emergency contract work will not exceed $50,000, the department need not require a bid deposit nor a performance bond. If a performance bond is not required, however, progress payments to the contractor may, at the discretion of the Region Administrator, be conditioned on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics, and subcontractors from the previous partial payment. If the contract will exceed $50,000, a performance bond is required.

4. RCW 60.28.011 requires that 5 percent of the moneys earned by the Contractor be withheld by the public agency as a trust fund for the protection and payment of (a) the claims of any person arising under the contract and (b) state taxes which may be due from the Contractor. This requirement applies to all public improvements or work, other than for professional services. If the Department does not properly withhold the money, or if the money is refunded to the Contractor without the appropriate clearances from Claimants, the Department will be obligated to pay legitimate claims and/or taxes.

5. Since the work is being contracted out, the department must follow all rules regarding the payment of prevailing wages. In addition, if federal reimbursement will be sought for the project, it will be necessary to include the required federal aid contract provisions.
6. Regardless of the dollar amount of the work, the department shall prepare a written contract setting forth the terms, conditions, and responsibilities of the contractor, including reference to the applicable *Standard Specifications*. A contract form is attached for this purpose.

## *Contracting Procedures*

Once the decision is made to enter a contract with an outside entity:

1. Prequalification (Required in all cases)
   a. Less than $50,000? Use Abbreviated Process (Form DOT 272-063)
   b. More than $50,000? Use a firm already prequalified or call Pre-contract
2. Wages
   a. No federal dollars involved? State Wage Laws Apply
      Statement of Intent and Affidavit of Wages Paid
   b. Federal dollars involved? Davis-Bacon Act applies
      Required Federal Aid Provisions
      Payrolls and Interviews Required
      Statement of Intent and Affidavit of Wages Paid
      Exception for Owner-Operators
3. Bond
   a. Under $50,000? Not required (Consider Invoice Verification)
   b. Over $50,000? Performance Bond is required
4. Retainage
   a. Always required
   b. Pay taxes and claims/verify and release
   c. Obligation if not retained
   d. Could require a bond in lieu of retainage
5. Written Contract is Required
6. Type of Contract
   a. Negotiated, single contractor, no bids
      (1) Can't exceed 30 working days
      (2) Getting close? What to do.

b. Solicited Bids

(1) Three required

(2) Needs bid documents — description of work and quantities

c. Conventional Published Call for Bids

(1) Plan preparation

(2) Review process

(3) Policy inclusions? Training? Disadvantaged Business?

## Contract Administration Procedures

1. *Layout*. The responsibility for layout (defining the work on the ground — surveying, staking, etc.) of the work is the state's, unless the contract provisions say otherwise.
2. *Materials*. If standard items are used, they must meet the *Standard Specifications* requirements and they must be sampled and tested as required by the *Construction Manual*. Regions may insert special provisions that call out other specs. These should be approved by Roadway (after-the-fact approvals are possible, but there is a risk).
3. *Inspection*. A state employee must either be present, or must be able to see the work done since the last visit.
4. *Payment*. Using Contract Administration and Payment System (CAPS), estimates are prepared. If CAPS is not used, payments may be made by voucher. If the work is being funded under the construction programs, CAPS and Construction Contract Information System (CCIS) must be used. The use of CAPS leads to the assignment of a "00" contract number. CCIS entries are needed and are made by the region.
5. *Subcontracting*. Subs can do up to 70 percent of the work. Subs must be approved by the state and must follow all of the same requirements as the Prime Contractor.
6. *Retainage*. For projects using CAPS, the retainage is doen automatically and all reviews, clearances, and claims are automatically tracked by CAPS. If the work is being paid by voucher, the originating office will need to withhold 5 percent unless a bond is provided. At the end of the job, the originting office verifies that tadxes and claims have been satisfied before releasing the funds or bond.
7. *Wages*. On all jobs, the Prime and all subs must submit a Statement of Intent to Pay Prevailing Wages, obtained from Labor and Industries, and provide an Affidavit of Wages Paid at completion. On federal-funded jobs, the state must collect certified payrolls from the Prime and all subs. The state must also conduct field interviews of employees to confirm the amounts shown on the payrolls.

8. *Changes.* Any changes to the work must be in writing and must be approved by the Region Representative, the Region Construction Engineer, or the Headquarters Construction Office, depending on the nature of the change (see the *Construction Manual* for guidance).
9. *Closure*. The region is responsible for determining the final payment amount, preparing final records, and as-built plans.

## Project Closure

Once the work is complete, and if the project is federally funded, two separate actions must take place.

1. All work orders associated with the federal aid project must be closed.
2. The federal aid project must be closed. This requires the region to prepare the following form and submit it to Headquarters Project Support Services with a copy to Headquarters Program Management and FHWA.

The closure and the form to be used depends on which program the project is in.

1. **Projects in M2** — Closure of "DM" projects by Maintenance Administration — Form 422-100A
2. **Projects in the Highway Construction Program** — Closure of "00" and "MS" projects by Construction Administration — Form 422-100 EF

When required, a Final Acceptance Form is prepared by Headquarters Construction Office and submitted to Headquarters Project Support Services with a copy to Headquarters Program Management and FHWA. **Ninety days after final acceptance of the project by the Director, Environmental and Engineering Programs, the Headquarters Accounting Services Office will change all construction work orders to state funds and the federal project will be closed.**

*7:P65:DP/EPM*

# Betterments Per FHWA Memorandum

The ER program is intended to assist the states in repairing damaged highway facilities to their predisaster condition. In-kind restoration is the predominate type of repair. However, on occasion, a state may decide to incorporate additional features into the repair work that help protect the highway facility from future disaster damage, or to make changes that modify the function or character of a highway facility from what existed prior to the disaster. These added protective features or changes to the function or character of the facility are viewed as betterments for the purposes of the ER program. Betterments involving added protective features are not eligible for ER funding unless found to be cost-effective in terms of reducing probable future recurring repair costs to the ER program. Betterments that change the function or character of the facility are generally not eligible for ER funding.

***The first category of betterments includes those that help protect highway facilities from possible future damage.***

***Examples are:***

Raising roadway grades,

Relocating roadways to higher ground or away from slide prone areas,

Stabilizing slide areas,

Stabilizing slopes,

Installing riprap,

Lengthening or raising bridges to increase waterway openings,

Deepening channels,

Increasing the size or number of drainage structures,

Replacing culverts with bridges,

Installing seismic retrofits on bridges,

Adding scour protection at bridges, and

Adding spur dikes.

If a betterment involving an added protective feature is included in an ER repair project, the betterment may be considered eligible for ER funding under 23 CFR 668.109(b)(6) if it can be economically justified based on an analysis of the cost of the betterment versus projected savings in costs to the ER program should future disasters occur. This cost/benefit analysis must focus solely on benefits resulting from estimated savings in future recurring repair costs under the ER program. The analysis **cannot** include other factors typically included in highway benefit/cost evaluations, such as traffic delays costs, added user costs, motorist safety, economic impacts, etc.

It is recognized that in many instances betterments will fail to meet the test of being economically justified for use of ER funding. If ER funding cannot be provided for a betterment, this does not mean that the betterment should necessarily be excluded from the ER repair project. If a betterment provides considerable benefit when other factors are considered, the state is encouraged to use regular apportioned federal-aid highway funds, as appropriate, to fund a betterment.

One exception to the above discussion on betterments associated with added protective features involves grade raises associated with basin flooding. The FHWA has determined that raising the grades of critical federal-aid highways faced with long-term loss of use due to basin flooding is eligible for ER funding (see 23 CFR 668.109(b)(8)). In these instances, if the FHWA Administrator finds that a basin flooding event is eligible for ER funding, reasonable grade raises require no further economic justification as betterments.

Another exception involves repairs of features, such as bridges, that may require permits or approvals from other entities. If these other entities are routinely requiring added features as standard industry practice on other projects of similar nature to the ER project, then these added features can be included on the ER project without further justification as a betterment.

### *The second category of betterments includes changes to the function or character of the facility.*

### *Examples are:*

Adding lanes,

Upgrading surfaces, such as from gravel to paved,

Improving access control,

Adding grade separations, and

Changing from rural to urban cross-section.

In general, betterments that change the function or character of a facility are not eligible for ER funding. One exception is established under 23 U.S.C. 120(e) that allows ER funding participation in replacement bridge facilities that can accommodate traffic volumes over the design life of the bridge, thus potentially allowing ER funding for added lanes on bridges.

### *Examples:*

Situations where use of ER funding for repair activities is **not** considered a betterment are:

Replacement of older features or facilities with new ones — the mere fact that a damaged highway feature or facility is replaced with something new that may extend the service life of the facility, in and of itself is **not** a betterment.

Incorporation of current design standards — repaired facilities may be built to current design standards, which could result in improved or added features that do not change the function or character of the facility. For example, a repaired length of roadway may have wider lanes or shoulders and additional roadside safety hardware that result from following current design standards. This is **not** a betterment.

Replacement in-kind on existing location not practical or feasible — on rare occasions, when it is neither practical nor feasible to replace a damaged highway facility in-kind on its existing location, an alternative selected through the environmental/public involvement process, if of comparable function and character to the destroyed facility, is eligible for ER funding. This is **not** a betterment. (See the following discussion on replacement facilities for more information on this special situation.)

Additional required features resulting from the environmental process — ER projects may include additional required features as an outcome of the project being developed in accordance with the NEPA process. These features are eligible for ER funding. This is **not** a betterment. (See the following discussion on environmental considerations for more information.)

*8:P65:DP/EPM*

A state may decide to replace a damaged highway facility with a new replacement facility. The extent of ER participation varies depending on the circumstances involved. Various scenarios, with examples, are discussed below.

In the first scenario, a highway facility has been seriously damaged; however, inspection verifies that it is possible to repair and restore the existing facility. Although the facility is repairable, the state decides it wants to replace the existing facility with a new or alternative facility. In this case, ER funding can be applied towards a new or alternative replacement facility; however, ER funding is limited to the ER program share of the estimated cost to repair the existing facility. Regular apportioned federal-aid highway funds may be used to fund project costs above the amount eligible for ER funding.

**Example 1**

An elevated structure serving as a portion of a non-Interstate route in an urban area, although seriously damaged by an earthquake, does not collapse. It is determined the structure is repairable at an estimated cost of $50 million. The state does not want to repair the elevated structure, but instead wants to replace it with an alternate facility at-grade or depressed. If the alternate facility provides comparable traffic service and will accommodate the known corridor traffic demands of the predisaster facility, then ER funds may participate in the federal share of the replacement facility up to an amount of $40 million in ER funds ($50 million estimated cost of repair multiplied by the 80 percent federal share for non-Interstate ER repair work). This is commonly referred to as capping the amount of eligible ER funds.

In a second scenario, a highway facility has been seriously damaged and inspection confirms that it is not repairable. The state decides it wants to replace the existing facility with an in-kind replacement facility (of comparable function and character to the damaged facility) on the existing location. In this case, ER funding may participate in the total cost of the replacement facility.

**Example 2**

A bridge on a non-Interstate route crossing a river is heavily damaged and collapses during flooding. It is determined the bridge cannot be repaired, but must be replaced. The state decides to replace the bridge at the existing site and the replacement structure costs $5 million to build. Emergency relief funding may participate in 80 percent of the incurred costs, which in this example amount to $4 million.

In a third scenario, a highway facility has been seriously damaged and inspection confirms that it is not repairable. Although it is feasible to build a replacement facility at the location of the existing facility, the state chooses to replace the existing facility with an in-kind replacement on a new location. In this case, ER funding for the replacement facility is limited (capped) to the ER program share of

the estimated cost to replace the facility in-kind at its existing location. Regular apportioned federal-aid highway funds may be used to fund project costs above the amount eligible for ER funding.

**Example 3**

In the same example used in the second scenario above, instead of replacing the bridge at the existing site, the state chooses to replace the bridge at a new site a half mile downstream, using this as an opportunity to improve the overall alignment of this section of roadway. Because of stream characteristics at the new downstream bridge site, a longer structure is required. Also, the new site requires a mile of additional approach work. The result is that a bridge at the new site costs an additional $2 million (to a total of $7 million) above the estimated cost to replace the bridge at the existing site. For this $7 million project, ER funding may participate in the federal share of costs up to an amount of $4 million ($5 million estimated cost of replacement at the existing site multiplied by the 80 percent federal share for non-Interstate ER repair work).

In a fourth scenario, a highway facility has been seriously damaged and inspection confirms that it is not repairable. Additionally, because of the very unique circumstances involved, it is also determined that it is neither practical nor feasible to replace the facility in-kind at its existing location. Consequently, an alternative replacement facility is developed through the NEPA process that is on new location. Provided this alternative is of comparable function and character to the destroyed facility, it is eligible for ER funding. It is noted this scenario rarely arises under the ER program. In almost all cases, it is practical or feasible to replace a damaged facility in-kind on its existing location, and the determination that the facility must be built on a new location is intended to be an extremely stringent test.

**Example 4**

A rural non-Interstate highway, located in a valley area, is blocked by a massive landslide that also dams up a river in the valley. The landslide forms an earthen dam, backing up the river and forming a lake. Two miles of roadway are submerged under a significant depth of water. A decision is made by authorities that the landslide formed dam will remain in place along with the lake it has created. It is determined it is neither practical nor feasible to replace the highway at the existing location. As a result, the highway must be relocated and the appropriate replacement facility, developed through the environmental/public involvement process, becomes a relocated facility, 4 miles in length, bypassing the submerged section of roadway. The relocated facility costs $20 million to build and ER funding may participate in 80 percent ($16 million) of this total cost.

The term 'emergency' is defined differently by each federal, state, and local agency. However, an emergency declared by WSDOT may or may not be considered an emergency under presidential, political, or environmental regulation declaration. A synopsis of the varying definitions is provided.

## Federal Laws

**National Environmental Policy Act (NEPA)**

Each Federal Agency has its own definition.

**Endangered Species Act (ESA)**

An emergency is a situation involving an act of God, disasters, casualties, national defense or security measures, etc., and includes response activities that must be taken to prevent the imminent loss of human life or property.

Source: 50 Code of Federal Register (CFR) 402.05 [1]

**Federal Highway Administration (FHWA)**

**Natural disaster**. A sudden and unusual natural occurrence, including but not limited to, intense rainfall, floods, hurricanes, tornadoes, tidal waves, landslides, volcanoes or earthquakes which cause serious damage.

Source: 23 CFR 668.103

**Catastrophic failure**. The sudden failure of a major element, or segment, of the highway system due to an external cause. The failure must not be primarily attributable to gradual and progressive deterioration of lack of proper maintenance. The closure of a facility because of imminent danger of collapse is not in itself a sudden failure.

Source: 23 CFR 668.103

**US Army Corps of Engineers**

An "emergency" is a situation, which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

Source: 33 CFR 325.2(e)(4)

## State Laws

State Environmental Policy Act (SEPA)

Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.

Source: WAC 197-11-880 Emergencies

Transportation, Department of (WSDOT)

The emergency exemptions defined in WAC 197-11-880 include, but are not limited to, the following emergency actions taken by the department:

1) Issuance of emergency load restrictions on highways and bridges;
2) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;
3) Approval of funding for emergency projects;
4) Emergency disposal of hazardous material;
5) Emergency disaster maintenance;
6) Installation, removal or alteration of emergency generator equipment;
7) Restriction of use of bridges due to structural deterioration; and
8) Emergency removal of materials dangerous to highways, bridges, or other transportation facilities.

**Emergency protection and restoration of highways**. Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

Source RCW 47.28.170

Fish and Wildlife, Department of (WDFW)

Emergency means an immediate threat to life, the public, property, or of environmental degradation.

Source: RCW 75.20.100 (5)(b)

"Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

Source WAC 220-110-020 (22)

Section 401 of Clean Water Act

No definition of or exemption allowed for emergencies.

## *Local Laws*

Shoreline Management Act (SMA)

"Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development, which materially interferes with the normal public use of the water or shorelines of the state; **except that the following shall not be considered substantial developments for the purpose of this chapter:**

(1) Normal maintenance, or repair, of existing structures or developments including damage by accident, fire, or elements;

(2) Construction of the normal protective bulkhead common to single family residences;

(3) Emergency construction necessary to protect property from damage by the elements;

(4) ……

Source: RCW 90.58.030 (3) (e)

An emergency is an unanticipated and imminent threat to public health, safety or the environment, which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

Source: WAC 173-27-040 (2)(d)

## *Natural Hazards within Washington*

More than 1,000 **earthquakes** are recorded annually, often with a magnitude 8 or larger. We have had at least 20 damaging earthquakes during the past 125 years. Most of these earthquakes were in western Washington, but several, including the largest earthquake in Washington's history in 1872, occurred east of the Cascade crest.

The principal way in which earthquakes cause damage is by strong ground shaking. The secondary effects that can potentially cause destruction are through ground and water failures. **Ground failures** are fault ruptures, ground cracking, subsidence, liquefaction, landslides, rockfalls, and debris avalanches. **Water failures** include **tsunamis** (huge sea waves) that can be triggered by earthquakes or by landslides into a body of water, and **seiches**, which resemble tsunamis but occur as standing waves (or sloshes) in enclosed or partially enclosed bodies of water.

The Cascade Mountain Range, which runs through western Washington and other parts of the Pacific Northwest, includes several **volcanoes**. Mount Rainier and Mount St. Helens are the most wellknown. Scientists with the U.S. Geological Survey (USGS) consider Mount Rainier the most dangerous mountain in the country**.** The USGS even gives the odds that the residents of the Puget Lowlands have a one in seven (14%) chance of being affected by mudflows from Mt. Rainier within their lifetimes.

The key danger on Mt. Rainier is the snow and ice atop the mountain. There is more snow and ice than on all the other Cascade Range volcanoes - combined. There is 25 times more snow and ice than on Mount St. Helens when it erupted.

A full eruption isn't even necessary for a volcanic event to be lethal. Escaping gases, mudflows, and landslides can all happen without an eruption, and each can be deadly. A moderate earthquake, or just gravity, could cause one of Mt. Rainier's

unstable slopes to collapse, sending mudflows into the river valleys below with little or no warning. Of the six major mudflows to reach Puget Sound in the last 5,000 years, only one was caused by an eruption of the mountain. Additionally, volcanic eruptions can affect the global climate.

**Floods** are a major concern throughout the state; they are the most common and widespread of all natural disasters. The sheer force of just 6 inches of swiftly moving water can knock people off their feet. Cars are easily swept away in just two feet of water.

In most parts of **western Washington**, floods generally occur in late fall and winter as a result of prolonged rainstorms. These floods may be augmented by water from snowmelt if the rain falls on snow. These rain-on-snow floods are usually of short duration. In basins at higher elevations, floods may occur in the spring as a result of rapid snowmelt. These floods are usually of longer duration than the winter floods.

In **eastern Washington**, floods generally occur in the foothills of the Cascade Range and in the highlands of northeastern Washington during spring snowmelt. In some areas of eastern Washington, flooding may occur during the winter when rain or unseasonably warm weather melts accumulations of snow. Flooding may also occur in small basins as a result of summer thunderstorms.

An average of 18 tropical storms form over the eastern Pacific Ocean each year and about half of them develop into **hurricanes**, however few of these storms hit land. No hurricane is on record as ever hitting the U.S. Pacific Coast. However, from time to time storms with hurricane-force winds (74 mph or stronger) have hit the Pacific Northwest Coast. While these are "hurricane force" winds, they are not from hurricanes, but from strong **extratropical storms**.

The typical wet Northwest weather can be deceiving. **Wildfires** pose a serious danger because half of the state, about 21 million acres, is forested land. During the years when mountain snowfall is low and water is scarce due to a dry, hot summer, forests containing ground debris (a very flammable source) dry out rapidly.

Wildfires can be disastrous, because wildfire damage to a forested watershed can last for several years after the event. The new bare earth is affected by surface-water runoff that causes erosion to the landscape. This also increases stream flows and sedimentation, and can result in floods and landslides. This type of damage to the watershed can occur even **five years** after a wildfire.

Surface-water runoff data, in wildfires event areas, is being collected. When this information is analyzed, improved management procedures to minimize the adverse effects of wildfires can be developed.

## National Defense and Security Measures

Most of the **terrorist organizations** active in the 1970s and 1980s had clear political objectives. They tried to calibrate their attacks to cause just enough bloodshed, fear, and anger to get attention for their cause, but not so much as to alienate public support. Groups such as the Irish Republican Army (IRA) and the Palestine Liberation Organization (PLO) usually sought specific political concessions.

**Terrorists** have changed attack strategy and tactics; attacks are becoming more lethal without regard for public opinion. Often terrorist groups are driven by

visions of a post-apocalyptic future or by ethnic hatred. Many terrorist groups lack a concrete political goal other than to punish their enemies by killing as many of them as possible, seemingly without concern about alienating sympathizers. Most attacks are well planned and executed by organized, dedicated, and often suicidal groups.

A potential target does not necessarily require either high visibility or high value. Terrorists often look for visible targets where they can avoid detection before or after an attack, such as at international airports, large cities, major international events, resorts, and high-profile landmarks.

A terrorist can deliver and detonate a sizeable explosive weapon virtually anywhere.

Prepare to deal with a terrorist incident by adapting many of the same techniques used to prepare for other crises:

- **Be alert and aware of the surrounding area**. The very nature of terrorism suggests that there may be little or no warning.
- **Take precautions when traveling.** Be aware of conspicuous or unusual behavior. Do not accept packages from strangers. Do not leave luggage unattended.
- **Learn where emergency exits are located.** Think ahead about how to evacuate a building, stadium, or congested public area in a hurry. Learn where staircases are located.
- **Notice your immediate surroundings.** Be aware of heavy or breakable objects that could move, fall, or break in an explosion.

Terrorist attacks are often preceded by one or more non-violent exploratory visits. An unusual incident, which occurs on or near state resources, or involves state employees (FTEs), may be the key in uncovering a potential attack.

Report suspicious persons and/or behavior in or near federal, state, and local resources.

**Chemical agents** are poisonous gases, liquids, or solids that have toxic effects on people, animals, and plants. Most chemical agents cause serious injuries or death. The severity of injuries depends on the type and amount of the chemical agent used, and the duration of exposure.

If a chemical agent attack were to occur, authorities would instruct citizens to either seek shelter where they are and to seal the premises, or to evacuate immediately. Exposure to chemical agents can be fatal. Leaving the designated shelter to rescue or assist victims can be a deadly decision. An untrained person can offer no assistance that would likely be of any value to the victims of chemical agents.

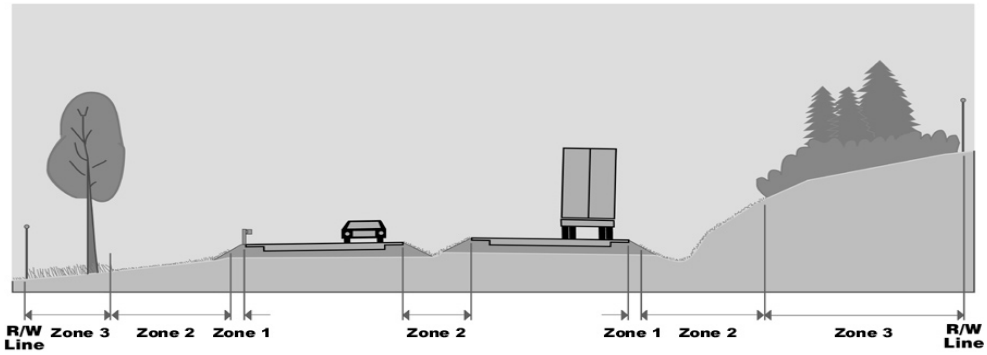
**Biological agents** are organisms or toxins that have illness-producing effects on people, livestock, and crops. Because biological agents cannot necessarily be detected and may take time to grow and cause a disease, it is almost impossible to know that a biological attack has occurred. If government officials become aware of a biological attack through an informant or warning by terrorists, they would most likely instruct citizens to either seek shelter where they are and seal the premises, or evacuate immediately.

A person affected by a biological agent requires the immediate attention of professional medical personnel. Some agents are contagious, and victims may need to be quarantined. Also, some medical facilities may not accept victims because they do not want to contaminate hospital staff and patients.

**Cyber terrorism** or "information warfare" is the ability to cause chaos and destruction by using only a computer and modem. The Internet has given millions of people the potential to access secure computer networks. Computer-based attacks may be much easier to carry out than physical attacks, because the perpetrators can be thousands of miles away from their target. These types of terrorists can be young or old, fit or fat, healthy or handicapped, almost anyone with computer knowledge and a serious interest in harming others.

Attacks in **cyberspace** blur traditional boundaries between nations and private interests. They cannot be foreseen, nor tracked via classical intelligence methods, and are all but impossible to tell apart from accidents, system failures, or even hacker pranks. Cyber terrorism may become even more common as the United States and other governments focus on making airports and public buildings more physically secure. As that happens, terrorists are likely to search for new tactics and softer targets.

**Typical Roadside Management Zones**




## Road Structure

An understanding of the road structure and its relationship to water quality, quantity, and habitat is critical to the successful implementation of the ESA 4(d) program.

1. The road structure is part of the Water Quality (WQ) treatment system that removes sediments and pollutants from water. The road structure directs water from the road:
   a. Across gravel;
   b. To the shoulder;
   c. To the front slope of the ditch;
   d. Through the ditch to swale/retention/detention areas; and
   e. To outlets.
2. Stabilization of the road structure is vital. The structure must be stabilized as soon as the erosive process starts in **Zone 2** (for environmental purposes only).

## Compensatory Mitigation

The Council on Environmental Quality (CEQ), National Environmental Policy Act (NEPA), State Environmental Policy Act (SEPA), Hydraulic Code Rules, and the ESA 4(d) Routine Road Maintenance Program include six elements in their definition of mitigation:

1. Avoiding;
2. Minimizing;
3. Rectifying;
4. Preserving and Maintaining;
5. Compensating; and
6. Monitoring.

Typically, mitigation is thought of in three terms: avoidance, minimization, and compensation.

1. However, reducing or eliminating impact to the environment by using **preservation** and **maintenance** operations during the life of the action is also mitigation.
2. Compensatory mitigation is **outside the definition** of ordinary maintenance according to WSDOT RCW 47.
3. Routine highway maintenance activities **are allowed** by NMFS, USFWS, Ecology, and WDFW on the condition that WSDOT avoids and minimizes impacts through the use of BMPs and develops a program to fund corrective action repairs for Chronic Environmental Deficiencies (CED).
4. Corrective actions that add new features to the highway system (i.e. bank barb) **do require** compensatory mitigation.
5. Permanent repair work (which adds new structures that change the course, current, or cross section of a stream or river) **usually requires** compensatory mitigation as part of the project.

## Funding

The **Highway Improvements (I-4) Program** for CED provides funding for long term fixes that restore the natural environmental process.

Emergency projects (performed by **either maintenance or construction**) must follow the Federal Highway Administration (FHWA), Emergency Relief (ER) Program requirements.

1. Initial emergency work must be limited to:
   a. Stabilizing the situation;
   b. Minimizing effects; and
   c. Using BMPs to avoid further impact.
2. Permanent new work:
   a. Examines all alternatives (including no action);
   b. Meets NEPA and SEPA requirements;
   c. Fully mitigates direct and indirect impacts;
   d. Starts after the issuance of environmental permits; and
   e. Uses BMPs.

## Three Types of Maintenance Activities (Definitions)

WSDOT's RCW identifies maintenance activities as either normal or emergency. However, after several years of environmental compliance monitoring it has been determined that maintenance conducts *three types* of work activities. (Normal Maintenance can be separated into Routine Maintenance and Unscheduled Maintenance.)

**Routine Maintenance**

1. Budgeted work;
2. Performed routinely;
3. On a scheduled basis; and
4. Intended only to maintain the highway facility/element so that it substantially retains its original intended use and function.

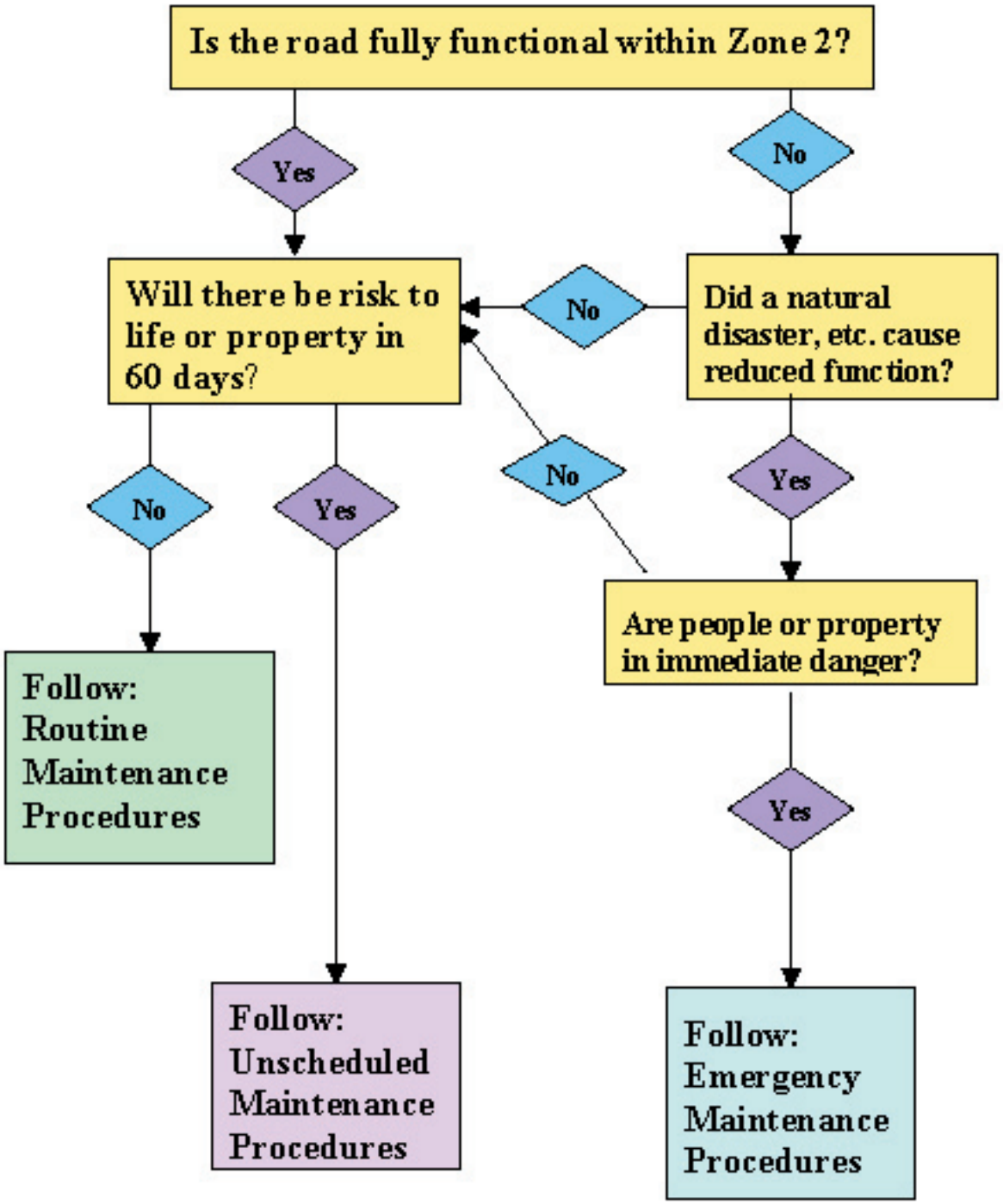
**Unscheduled Maintenance**

1. Not budgeted**;**
2. Unscheduled activities (due to weather conditions, vandalism, etc.);
3. The event poses an imminent danger to existing structures or the traveling public;
4. Confined to work which retains the functionality of the structure's original design; and
5. Does not include the construction of new roadway elements.

**Emergency/Disaster Maintenance**

1. Not budgeted;
2. Not scheduled;
3. Similar to unscheduled maintenance activities except that the conditions are greater in scope and magnitude;
4. Confined to work which retains the functionality of the structure's original design; and
5. Does not include the construction of permanent new roadway elements.

## Road Maintenance Emergency Response Chart



## Three Types of Emergency Response

**Natural or human caused disasters**

Includes events such as fire, flood, earthquake, etc.

**Unscheduled Maintenance Activities**

1. Unanticipated repairs of structures and facilities;
2. Beginning within a few days, or before the next wet weather event;
3. Insufficient time remains to complete the normal HPA permitting process and therefore requires expedited permits; and
4. If the danger becomes more immediate and regulations cannot be met, the applications should be treated as Emergency/Disaster Maintenance.

**Hazardous Materials Incident**

1. **Containment and cleaning:**
   a. The responsible party will clean up after themselves; however
   b. In cases when the responsible party cannot be identified or made to clean up their spill, the responsibility falls to the Department of Ecology.
2. **WSDOT maintenance personnel:**
   a. Manage vehicle traffic at incidents on state highways;
   b. Provide technical information (i.e. drainage characteristics);
   c. Take control actions, when necessary and feasible, to prevent the release of small quantities of petroleum products into surface waters;
   d. Are provided spill kit training; and
   e. Are provided spill kits for maintenance vehicles.

## Emergency Response and Failure to Respond

**During an Emergency Response:**

- Stabilize the situation;
- Minimize effects; and
- Use BMPS to avoid further impact.

**Failure during an Emergency Response may result in:**

- Serious environmental degradation;
- Threat to public health or safety; and
- Damage to public or private property**.**

## *Environmental Documents* (this section is for Environmental Staff only)

**Categorical Exclusions (NEPA):**

1. Actions that do not (individually or cumulatively) have a significant environmental effect are **excluded** from the requirement to prepare an Environmental Assessment or Environmental Impact Statement.
2. Repair projects that are **Categorically Exempt** (for SEPA) may require additional documentation in the NEPA process. This occurs when repair projects receive funding under the Emergency Relief (ER) Program, they must comply with NEPA requirements.

3. ER Projects that involve permanent repair work to restore the existing facility in-kind at the existing location are likely to be viewed as **Categorical Exclusions**.

**Categorical Exemptions (SEPA):**

1. Actions that do not (individually or cumulatively) have a significant environmental effect are **Categorical Exemptions**.
2. Maintenance work that stabilizes the situation and construction work that restores the highway system have been classified as **Categorical Exemptions** under WAC 468-12-880 Exemptions for Emergency Actions. They are not subject to SEPA review.
4. Emergency repairs restoring essential travel, minimizing the extent of damage, or protecting remaining facilities have been classified as C**ategorical Exclusions** under 23 CFR 771.117.

## Emergency Response (ER) Projects

**1. Betterments**

Although it may appear that a project qualifies as Categorical **Exclusion**, certain betterments (a.k.a. retrofits) may be of enough significance that an **Environmental Assessment** or an **Environmental Impact Statement** is necessary.

**2. Replacement**

a. When an ER project involves constructing replacement facilities an **Environmental Assessment** or an **Environmental Impact Statement** may be required, particularly when a replacement facility is proposed on a new location.

b. When ER funding pays for the replacement of a facility, any required added features are **eligible** for ER funding. These are not viewed as betterments, but rather as integral parts of the replacement project needed to comply with NEPA.

**3. ER Projects Incorporating Added Features**

As a result of an ER project being developed in accordance with the NEPA process, it may be necessary for the project to incorporate added features to mitigate impacts associated with items such as wetlands, noise, endangered species, etc. If these added features associated with betterments are determined:

**a.** **Eligible** for ER funding, then the added features are also **eligible** for ER funding.

**b.** **Ineligible** for ER funding, then **other funding sources** are to be used to construct the added features.

**4. Limited ER Funding**

a. When an **alternative facility** must be built as replacement for a damaged or destroyed facility and **ER funding is limited,** the ER funding pays for the replacement of the facility, including any added features, but only up to the **limited amount** established for ER funding.

b. Replacement projects or betterments may adopt the NEPA document for SEPA compliance, including **Documented Categorical Exclusions** in lieu of the SEPA checklist.

c. WSDOT has an implementing agreement (June, 1996) with the Department of Ecology covering adoption of **Documented Categorical Exclusions**.

## Permits

In cases of imminent danger and when the affected structure is only required to maintain the functionality of its original design, WSDOT shall issue a **JARPA** application requesting an expedited, written **Hydraulic Project Approval (HPA) permit**, for:

1. Work to repair existing structures;
2. Moving obstructions;
3. Restoring banks;
4. Protecting property, or
5. Protecting fish resources.

The **Hydraulic Project Approval (HPA) permit** is the most common state permit required for work in waters of the state, it:

1. Does not contain emergency exemptions;
2. Must be obtained for any emergency response work; and
3. Allows for the permanent repair of structures.

Note: An emergency response does not mean exemption from environmental documentation and permit requirements. The required permits must be applied for during or after the incident.

## Maintenance Procedures for Hydraulic Work in Watercourses

Routine Maintenance

1. Follow normal procedures.
2. Start work after the Standard HPA is issued.
3. Use BMPs.

Unscheduled Maintenance

1. Expedite internal procedures.
2. Start work within a few days (or before the next anticipated storm event.)
   a. If insufficient time exists for the Standard HPA Permit, an expedited HPA will be requested.
   b. If the danger becomes more immediate and permitting requirements cannot be met, the event will become an Emergency/Disaster Maintenance action.
3. Use BMPs.

## Emergency/Disaster Maintenance

1. If an HPA has not been issued, or there is inadequate time to get one through normal channels, immediately contact Washington Department of Fish and Wildlife (WDFW) for an expedited or oral approval.
   **a. During normal business hours**:
      i. Contact the Regional Area Habitat Biologist (AHB);
      ii. Take digital photos, if possible;

iii. E-mail photos to AHB with explanation of work; and

iv. Fax a completed JARPA application.

**b. After normal business hours**:

All Regions will contact WDFW at (360) 902-2537.

2. Contact the Regional Maintenance Environmental Coordinators or the Environmental Manager if any doubt remains concerning the event.
3. Start work as soon as possible.
4. Apply for written permits (if required) for permanent repairs after stabilizing the emergency.
5. Use BMPs.

| Emergency Contact Personnel | | |
|---|---|---|
| Region | Regional Environmental Manager | Regional Maintenance Environmental Coordinator |
| Northwest | (206) 440-4548 | (206) 440-4523 |
| Southwest | (360) 905-2174 | (360) 905-2173 |
| North Central | (509) 667-3055 | (509) 667-3057 |
| South Central | (509) 577-1750 | (509) 575-2745 |
| Olympic | (360) 357-2660 | (360) 357-2716 |
| Eastern | (509) 324-6131 | (509) 324-6137 |

## Notification Procedures

Compliance with the Regional ESA 4(d) Program requires each Region to develop **notification procedures** for contacting resource agencies during emergency responses:

**1. Olympic Region**

a. Olympic Regional Operations will notify the Environmental and Hydraulic Services (EHS) Office that emergency response work has started or is imminent in or near waters of the state, or other critical or environmentally sensitive areas.

b. When in doubt call the EHS for guidance.

c. In the event of failure or imminent danger to a transportation facility:

i. The Regional EHS Office will complete the required notifications for required permits and to resource agencies, including notifications required under the ESA.

ii. The appropriate tribal agency will be contacted when working on tribal lands.

d. The EHS Office will make any additional notifications required for in-water work, or other emergency response activities, on the first business day following the response notification.

e. The Olympic Region's notification procedures (i.e. phone tree) can be used as a model for other regions.

2. Eastern Region

   Procedures have not been supplied.

3. North Central Region

   Procedures have not been supplied.

4. Northwest Region

   Procedures have not been supplied.

5. South Central Region

   Procedures have not been supplied.

6. Southwest Region

   Procedures have not been supplied.

## Documentation Procedures

WSDOT can be protected from future liability through **documentation**.

1. **Telephone Logs**: Keeping telephone billing statements as documentation provides incalculable proof that notification requirements were made in a timely manner to the proper authority.
2. **Photographs**: Taking photographs documenting site conditions before, during, and after an event provides invaluable information. Digital photographs allow for a quicker response.
3. **Diaries or Disaster Maintenance (DM) work orders**. Record events and observations as they occur, record the 'who, what, where, when, and how' of the event. Often a few short sentences in a field notebook are better than a few foggy memories.
4. **WSDOT Emergency Response Checklist**. Completion of this checklist is recommended, but not required. See Appendix 1.

## Federal Emergency Relief Funding and HPA Matrix

**Emergency/Temporary Work:**

1. **Expedited or Oral Emergency HPA Approval**. The Expedited Permit is granted within 15 days after receipt of a complete JARPA application, however it is only valid for 60 days; and
2. The **oral Emergency HPA Permit** is granted immediately upon request, however it is only valid for 30 days; and must be followed by a written Emergency HPA Permit before the 30 days has elapsed.

**Incidental/Permanent Work:**

1. Oral Emergency HPA Permit, which is only valid for 30 days; or
2. Expedited HPA Permit, which is only valid for 60 days.

**Permanent Work:**

1. Standard HPA permit is granted within 45 days of receipt of a complete JARPA application; and
2. Is valid for the length of the work (not to exceed 5 years).

| Emergency Response | Hydraulic Permit Approval | | |
|---|---|---|---|
| **Type of ER Work** | **Type of Permit** | **Processing Time** | **Length of Validity** |
| **Emergency/ Temporary** | Emergency HPA Permit (oral) | Immediately, by phone Up to 15 days | 30 days |
| | Expedited HPA Permit | | |
| **Incidental/ Permanent** | Emergency HPA Permit (oral) | Immediately, by phone Up to 15 days | 60 days |
| | Expedited HPA Permit | | |
| **Permanent** | Standard HPA permit | Up to 45 days | Length of work; not to exceed 5 years. |

## Take Limit

A **'take limit'** for threatened species under NMFS 10 (ii) of the ESA 4(d) rule for non-federal actions is allowed by WSDOT's Regional Road Maintenance Endangered Species Act Program Guidelines, Part 3 application.

1. An ESA 4(d) special rule exemption from the Section 9 'take prohibition' for routine road maintenance has not, as yet, been determined, although USFWS comments have been incorporated into the Regional Program.
2. Bull trout and southwestern Washington Lower Columbia River coastal cutthroat trout are under the jurisdiction of the USFWS.
3. Bull trout and coastal cutthroat trout are included in the Regional Program because of their presence within Washington State.
4. WSDOT follows the Regional Program for non-federal routine road maintenance work, including bull trout and coastal cutthroat.

## ESA Federal Nexus

**Emergency response** maintenance work that could trigger a Federal "nexus" that requires the consultation requirements of ESA Section 7 include:

1. Federal Pass through funding (i.e. FHWA Emergency Relief Funding or FEMA funding);
2. Corps provided assistance (flood fight);
3. Natural Resource Conservation Service (NRCS) provides assistance;
4. Federal Permit Authorizes work (Corps permits); or
5. Work located on federal lands (USFW, National Park Service, Military, or Tribal Lands).

### Federal Pass Through Funding

State funding initially pays for all emergency work. When an emergency occurs, it is unknown whether the action will be eligible for federal support. In many cases, part or all of the emergency work is done prior to this determination.

1. The Services will be notified* that WSDOT is taking an emergency action. This initial contact:
   a. Constitutes the first stage of the ESA Section 7 consultation (required when emergency consultation is initiated for emergency situations (50 CFR 402.05)).
   b. Is to inform the Services (NMFS & USFWS) that emergency procedures are being invoked and that measures to minimize impacts will be employed.
2. Emergency work is limited to:
   a. Stabilizing the situation;
   b. Minimizing effects; and
   c. Using BMPs to avoid further impact.
3. To comply with ESA Section 7 consultation requirements, after the emergency it is necessary to coordinate with the Services (NMFS & USFWS) to conclude the consultation (if ER funding was received).
4. Permanent repairs (that add new structures which are federally funded) will follow the normal ESA Section 7 consultation process.

**Federal Assistance**

The Corps and NRCS are responsible for emergency consultations. The ESA allows the emergency action to be implemented, and then followed up with a written consultation with the Services after the action has taken place.

**Federal Permit**

The most common federal permit requiring an ESA Section 7 consultation is the Army Corps of Engineers' **Dredge and Fill Permits** under **Section 404 of the Clean Water Act**. Most maintenance activities (routine, unscheduled and emergency/disaster maintenance) satisfy the criteria for "Discharges not requiring permits," contained in paragraph 33 CFR 323.4(a)(2) of the Corps regulations:

Maintenance, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments, or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

The Army Corps of Engineers (Corps) should be notified** that WSDOT is taking an emergency action. This initial contact:

1. Constitutes the first stage in ESA Section 7 consultation (required when emergency consultation is initiated for emergency situations (50 CFR 402.05)).
2. Is to inform the Corps that emergency procedures are being invoked and that measures to minimize impacts will be employed.
3. Emergency work is limited to:
   a. Stabilizing the situation;
   b. Minimizing effects; and
   c. Using BMPs to avoid further impact.

4. If the Corps determines that a permit is required because the exemption was not appropriate, an after the fact emergency ESA Section 7 consultation with the Services will be required.
5. Permanent repairs that add new fill material, outside of the original design, will require a Corps permit and follow the normal ESA Section 7 consultation process.

## WSDOT Emergency Goal

While maintaining transportation systems during an emergency, WSDOT's overall goals are to save lives, protect property (both state and private), and preserve the environment.

* WSDOT is FHWA non-federal representative for ESA informal consultations and preparation of biological assessments.
** WSDOT is the Corps non-federal representative for ESA informal consultations and preparation of biological assessments.

Washington State
Department of Transportation

# Declaration of Emergency

**For the purpose of documenting the use of alternative bidding procedures under RCW 27.28.170 and estimating the costs of using State Forces for emergency work under RCW 47.28.170.**

| 1. Date of Emergency | 2. SR | 3. MP Location/Limits | 4. County |
|---|---|---|---|
| 5. Preliminary Estimate: ☐ Up to $80,000 ☐ $80,000 to $200,000 ☐ $200,000 and Greater | | | 6. Work Order No. (if known) |

7. Cause and Description:

| 8. ☐ Maintenance Superintendent/Project Engineer* ☐ Director, Regional Administrator or Designee** ☐ Secretary of Transportation or Designee*** | 9. Signature |
|---|---|
| | 10. Date |

** Projects for $80,000 or less can be authorized by the Maintenance Superintendent.*
*** Over $80,000 requires authorization by the Regional Administrator.*
**** $200,000 and over requires review with the Transportation Commission by the Secretary of Transportation or designee.*

1. Record the beginning date of the project.
2. Record the State Route (SR) number affected.
3. Record the mile post location.
4. Record the county the damage occurred in.
5. Check the appropriate box based on the preliminary estimate.
6. Record the work order number (DM, MS, etc.,) if known.
7. In brief narrative, explain the cause of the event, describe the damage and the need to use emergency procedures.
8. Check the appropriate box for the level of signature authority.
9. Signature of appropriate authority.
10. Date the declaration is signed.

Distribution: Original - Retained by Region; Copy - Headquarters Office of Emergency Management

DOT Form 540-021 EF
Revised 9/2002

◆ **Supersedes Previous Editions** ◆

Washington State Department of Transportation

# Disaster Maintenance Work Order Authorization

| Work Order Number | Supplement No. | Sub Program | Manager | Organization Code |
|---|---|---|---|---|
| DM | | M2 | | |
| SR(s) | MP From To | | County(s) | |
| Work Order Title | | | Control Section(s) | |
| Work Description | | | Source of Funds ☐ State ☐ FEMA ☐ ER (FHWA) ☐ Other | |

| Group | Group Category | | | | | |
|---|---|---|---|---|---|---|
| | 01 Work Done Contract | 02 Work Done Agreement | 03 Construction Engineering | 04 State Force Work | ____ Other (Specify) | Subtotals |
| ***Previous Authorization Totals*** | 0.00 | | | | | $0 |
| Emerg./Incid. Perm. Work Within 180 Days | | | | | | |
| Emerg./Incid. Perm. Work After 180 Days | | | | | | |
| Permanent Work | | | | | | |
| Non-Participating Work | | | | | | |
| ***This Request Amount*** | | | | | | |
| ***New Authorization Totals*** | 0.00 | | | | | $0 |

| Total Emergency & Incident Perm. Work | Total Permanent Work | Total Non-Part. | Total Authorization |
|---|---|---|---|
| | | | |

Additional Project Information

Notes to Accounting

**For Federal Aid Projects Only**

| FA Number | FA % | FA Appropriation | FHWA Auth. Date |
|---|---|---|---|
| | | | |
| | | | |

NEPA Approval Date _____ Right of Way Required

Design Approval Date _____ ☐ Yes ☐ No

| Initiated By | Date |
|---|---|
| | |
| **Expenditure Authorization By** | **Date** |
| | |

Copy Distribution:

☐ OSC Maintenance ☐ OSC Program Management

☐ _____

DOT Form 120-021 EF
1/99

Washington State Department of Transportation

# Detailed Damage Inspection Report
# FHWA Emergency Relief

| Applicant | County(s) | FHWA Disaster No. |
|---|---|---|
| Location of Damage (Name of Road or Street) | Milepost From ____ To ____ | Inspection Date / Federal-Aid Route |
| Description of Damage (Include Bridge Number(s) if Applicable) | | Local /State Project No(s). |

**Cost Estimate (Including Preliminary and Construction Engineering)**

Temporary/Emergency Repair and Incidental Permanent Restoration work are eligible for 100% Federal participation until _____

| | |
|---|---|
| **Temporary/Emergency Repair** *(Work required to restore essential travel and protect the remaining facility from immediate threat.)* | Temp./Emerg. Repair |
| Method of Work: ☐ Local/State Force Account ☐ Emergency Contract **Total Temporary Repair** | $ |
| **Incidental Permanent Restoration** *(That portion of the permanent work which has been determined to be more economical to be constructed along with the Temporary/Emergency work.)* | Incid. Perm. Restoration |
| Method of Work: ☐ Local/State Force Account ☐ Emergency Contract **Total Incidental Perm.** | $ |
| **Permanent Restoration** *(This work is eligible for Federal participation at the standard matching ratio. This work **must receive additional FHWA authorization before advertisement**.) Describe any proposed betterments and their eligibility.* | Permanent Restoration |
| Preliminary Engineering | _____ |
| Right of Way | _____ |
| Construction | _____ |
| Method of Work: ☐ Local/State Force Account ☐ Contract **Total Perm. Restoration** | $ |

| | | |
|---|---|---|
| NEPA Environmental Classification ☐ Categorical Exclusion ☐ EA/EIS | **Total Estimated Cost** | $ |
| Recommendation ☐ Eligible ☐ Ineligible | FHWA Engineer | Date |
| Concurrence ☐ Yes ☐ No | State Representative | Date |
| Concurrence ☐ Yes ☐ No | Local Agency Representative | Date |

☐ At the time of this inspection, all work was complete; therefore, this report constitutes the final field inspection.

DOT Form 300-001EF 1/97

Washington State Department of Transportation

# Inspection of Federal-Aid Projects

| | | | |
|---|---|---|---|
| Washington Division | Report Number | Date of Inspection | Federal-Aid No. |
| Cont. No. | Project Title | | |

| Type of Inspection | Inspected By | Quality of Work | Progress of Work | Time Elapsed | Work Completed |
|---|---|---|---|---|---|
| ☐ Interim<br>☐ Final | ☐ Region<br>☐ Construction Office | ☐ Satisfactory<br>☐ Unsatisfactory | ☐ Satisfactory<br>☐ Unsatisfactory | % | % |

| Inspection Made By | In Company With |
|---|---|
| | |

Remarks:

DOT Form 422-100 EF 10/94

Washington State Department of Transportation

# Inspection of Federal-Aid Projects in Maintenance Program

| Project Number | Program | Region | Federal-Aid No. |
|---|---|---|---|
| | M2 | | ER- |

| County(s) | Project Title |
|---|---|
| | |

| Type of Inspection | Inspected By | Quality of Work | Progress of Work | From MP | To MP |
|---|---|---|---|---|---|
| ☐ Interim<br>☐ Final | ☐ Region<br>☐ Construction Office | ☐ Satisfactory<br>☐ Unsatisfactory | ☐ Satisfactory<br>☐ Unsatisfactory | | |

Date Work Started: _____ Date Work Completed: _____

| **Project Cost** | Temporary/Incidental Permanent Work | Permanent Work |
|---|---|---|
| State Force Work: | | |
| Contract / Agreement Work: | | |
| Sub Total: | | |
| Ineligible Work: | | |
| **Total Cost:** | | |

Description of Work:

Remarks:

| Inspector's Signature | Inspector's Title | Date of Inspection | In Company With |
|---|---|---|---|
| | | | |

DOT Form 422-100A EF 5/96

cc: Funds Mgmt. Engr., MS47325; Project Support Supvr., MS 47420; FHWA Olympia, MS 0943

## WSDOT Emergency Response Checklist

Activity: _____ County: _____ WRIA: _____

Activity Location: _____

Activity Description: _____

Waterbodies Involved: _____

Wetland: Y /N _____ acres ESA Species Present: Y / N ESA Consultation: Y / N

Types of Species present (if known): _____

_____ Unscheduled Maintenance: Will there be risk to life or property in 60 days? Date: _____

_____ Emergency/Disaster Maintenance: Are people or property in immediate danger? Date: _____

### Agency Notification:

_____ **During normal business hours: WDFW Regional Area Habitat Biologist**
_____ **After normal business hours: WDFW Hotline (360) 902-2537**

Name: _____

Phone Number: _____ Date: _____Comments: _____
_____
_____

Type of HPA received:
- _____ No HPA needed
- _____ Standard HPA Received
- _____ Expedited HPA Received
- _____ Oral HPA Approval Received
- _____ Written request submitted to WDFW within 30 days of Oral HPA approval date.
  Written request dated: _____

_____ **WSDOT Regional Environmental Manager or Maintenance Environmental Coordinator**

Name: _____ Assistance Needed: Y / N

Phone Number: _____ Date: _____Comments: _____
_____
_____

_____ **Corp of Engineers**

Name: _____ Permit Needed: Y / N

Phone Number: _____ Date: _____Comments:_____
_____
_____

_____ **Ecology's Federal Permit Manager for WSDOT** (if a Corp permit is needed)

Name: _____ WQ Certification Needed: Y / N

Phone Number: _____ Date: _____Comments:_____
_____
_____

_____ **Ecology's Regional Office**

Name: _____ Permit Needed: Y / N Exemption Approved: Y / N

Phone Number: _____ Date: _____Comments: _____
_____
_____

_____ **Local Shoreline Permit Manager or Shoreline Administrator**

Name: _____ Permit Needed: Y / N

Phone Number: _____ Date: _____Comments: _____
_____
_____

_____ **National Marine Fisheries Service (NMFS)**

Name: _____ Assistance Needed: Y / N

Phone Number: _____ Date: _____Comments: _____
_____
_____

_____ **United States Fish and Wildlife Service (USFWS)**

Name: _____ Assistance Needed: Y / N

Phone Number: _____ Date: _____Comments: _____
_____
_____

Signature: _____ Date: _____ Phone: _____